

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11602 of 2020

Arising Out of PS. Case No.-483 Year-2019 Thana- BAGHA District- West Champaran

Rajesh Dom (Male), aged about 30 years, Son of Moti Dom, Resident of Chatraul, P.S. Bagaha, P.S. at present Sirisiya, P.S. Bagaha (Bhairoganj), District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-06-2020 Heard Mr. Ashok Kumar Gupta, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, learned counsel appearing for the State through video conferencing.

The petitioner apprehends his arrest in connection with Bagaha (Bhairoganj) P.S. Case No. 483 of 2019 registered for the offence punishable under Section 272, 273 of the Indian Penal Code, 1860 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner as per the First Information Report is that Police during vehicle check intercepted two persons riding on a bicycle and upon seeing the Police party, they tried to flee away, however, Police apprehended one person namely, Budhai Dom and recovered a



total quantity of 6 liter 500 ml of country made illicit liquor from the carrier of the bicycle and the arrested accused person disclosed the name of the petitioner as the person who succeeded in fleeing away.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. Learned counsel further submits that petitioner has got no criminal antecedent and he has falsely been implicated in this case on the basis of the statement made by the arrested co-accused. Learned counsel also submits that no illicit liquor has been recovered from petitioner's conscious possession or from the vehicle belonging to him.

Having regard to the submissions made by the parties and taking into consideration the fact that no illicit liquor has been recovered from his conscious possession and the petitioner is having clean antecedent, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise,



Bettiah, West Champaran in connection with Bagaha (Bhairoganj) P.S. Case No. 483 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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